

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JIMMY EUGENE RHODES,

Defendant.

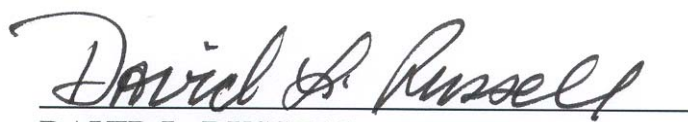
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Case No. CR-01-202-R

ORDER

The Court is in receipt of a Memorandum and Order dated November 5, 2019 from the United States District Court for the Southern District of Illinois, issued by the Honorable Staci M. Yandle. Therein Judge Yandle granted Mr. Rhodes as Petitioner habeas relief under 28 U.S.C. § 2241, invoking the provision of 28 U.S.C. § 2255(e) to avoid the prior holdings of this Court as well as the United States Court of Appeals for the Tenth Circuit. Warden, USP-Marion was the Respondent in that action, CIV-17-562-SMY, however, Judge Yandle's relief is directed at this Court. Specifically, Judge Yandle's Order purports to vacate this Court's sentence as to Counts 1 and 3, finding that he was not subject to enhancement under the Armed Career Criminal Act and to that end, orders this Court to resentence Mr. Rhodes. The Court hereby orders the United States Attorney for the Western District of Oklahoma to advise the Court of its position in the instant case.

IT IS SO ORDERED this 13th day of November 2019.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE